



1624

PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/050,488
Filing Date	01/16/2002
First Named Inventor	Shen-Chun Kuo et al.
Art Unit	1624
Examiner Name	Venkataraman Balasubramanian
Attorney Docket Number	CD01351

Total Number of Pages in This Submission

4

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Post Card
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

RECEIVED
JUN 04 2003
TECH CENTER 1600/2900

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	William Y. Lee, Reg. No. 46, 100
Signature	<i>William Y. Lee</i>
Date	05/29/2003

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: _____

Typed or printed			
Signature		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Attorney Docket No.: CD013

Application No.: 10/050,488

Filing Date: 01/16/2002

Inventor: Shen-Chun Kuo et al..



PTO/SB92 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

on 05/29/2003

Date

Signature

William Y. Lee, Reg. No. 46, 100

Typed or printed name of person of signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

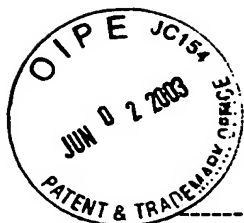
Documents submitted:

Transmittal Form PTO/SB/21 - 1 Page

Response to Restriction Requirement (2 pages)

RECEIVED
JUN 04 2003
TECH CENTER 1600/2900

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PATENT CASE: CD01351

6/6/03
C. Styles

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Shen-Chun Kuo et al.**

For Patent: **Synthesis of Temozolomide:
and Analogs**

Serial No.: **10/050,488**

Filed: **01/16/2002**

Examiner:

Venkataraman Balasubramanian

Group Art Unit: **1624**

RECEIVED
JUN 0 4 2003
TECH CENTER 1600/2900

Schering-Plough Corporation
Kenilworth, New Jersey 07033

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the restriction requirement mailed on May 1, 2003 for the above-identified application, applicants respond as follows.

Claims 1-30 are pending in the application. The Examiner restricted the claims into five major groups:

Group I (claims 1-24 drawn to a process of making bicyclotetrazine of formula I shown in claim 1 and a process for making its intermediates);

Group II (claims 18-20 and 26 drawn to compounds of formula II, II V and compounds 5,6, 8 and their acid addition salts);

Group III (claims 18-20 and 25-26, drawn to compound of formula VI and compound 4 and its acid addition salt)

Group IV (claims 18-20 and 27, drawn to compound of formula IV and compound 13 and its acid addition salt)

and

Group V (claims 20 and 26, drawn to compound 17 and its acid addition salt).

The Examiner advised Applicants to elect a Group to be examined and to identify the claims reading thereon.

As an initial point, Applicants respectfully request the Examiner to clarify the status of claims 28-30, as they do not appear anywhere in the Examiner's restriction of Groups I to V.

Further, applicants are puzzled by the restrictions of the claims by the Examiner and believe that claims 1-30 form part of one and the same invention.

Applicants believe that when there is a linking claim encompassing the scope of all the compounds, and process of preparing them, it is inappropriate to restrict the invention to a single compound. Applicants also believe that due to such commonality, a complete examination of claims 1-30 would not cause undue burden. Applicants further believe that the same art search will most probably apply to the alleged separate inventions. Reconsideration and withdrawal of the restriction requirement are, therefore, respectfully requested.

However, for the sake of facilitation of prosecution and in order to comply with the Examiner's requirement, Applicants elect the claims that the Examiner has identified as belonging to Group I (claims 1-24) with traverse.

The Examiner is requested to call the undersigned attorney on any matter connected with this application.

The Commissioner is authorized to charge Deposit Account No. 19-0365 for any fees deemed necessary.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, PO Box 1450 Alexandria, Virginia 22313-1450 on 05/29/2003.


WILLIAM Y. LEE

Registered Representative

Signature

Date

Respectfully submitted



William Y. Lee
Reg. No. 46,100
Attorney for Applicants
(908) 298-2161